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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/635,418

08/06/2003

Keith Jusas

Clin/ 03

7314

7590

11/01/2005

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EXAMINER

PAIK, STEVE S

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EV

Office Action Summary	Application No.	Applicant(s)	
	10/635,418	JUSAS ET AL.	
	Examiner	Art Unit	
	Steven S. Paik	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35-54 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,19 and 25-29 is/are rejected.
- 7) ☒ Claim(s) 11-18,20-24 and 30-34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/29/05;11/21/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Receipt is acknowledged of the Amendment filed June 9, 2005. The applicant cancelled claim 3 and added new claims 35-54.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-10, 19, and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hohberger et al. (US 2003/0063139A1) in view of Wiklof et al. (US 6,246,326).

Re claims 1 and 19, Hohberger et al. disclose an RFID encoding/verifying apparatus comprising: a platform (a guide plate 114) for positioning RFID containing stock upon (128 in Fig. 5);
a feeder (carrier rollers 112, 113, 115) positioned on said platform for advancing said RFID containing stock;
a motor (stepping motor 120) in communication with said feeder so as to advance said RFID containing stock a predetermined distance when activated;
an RFID read/write unit (148) comprising at least one antenna (programmer antenna 110) with read/write capability for transmitting information to said RFID containing stock as said RFID containing stock is advanced past said RFID read/write unit; and

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a processor (138 in Fig. 6) in communication with said motor (stepping motor 120) and said RFID read/write unit (transponder programmer 148), said processor controlling the advancing of said motor and the transmission of data to and from said RFID read/write unit (col. 4, [0056]).

Hohberger et al., however, do not specifically disclose a radio frequency driver in communication with the processor unit.

Wiklof et al. disclose a smart label (RFID tag) printer comprising a central processing unit (12) in communication with an RF driver (50) via a control bus (22). The RF driver includes a radio frequency modulator that permits digital signals to be communicated through an antenna (60) to/from the RFID tags via an RF communication channel. The RF driver can also be used to communicate to/from a local area network.

In view of Wiklof et al., it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ an RF driver in addition to the RFID encoding/verifying apparatus of Hohberger et al. due to the fact that more data can be communicated on a radio wave for the purposes of improving programming tasks and printing functions by exchanging data to/from RFID tags and a local area network.

Re claim 2, Hohberger et al. in view of Wiklof et al. disclose the RFID encoding/verifying apparatus as recited in rejected claim 1 stated above, wherein the read/write unit (programmer 148) comprises at least one integrated circuit coupled to at least one antenna with read/write capability (programmer antenna 110) for transmitting information to RFID containing stock as said RFID containing stock (128) is advanced past said at least one antenna (110).

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Re claim 4, Hohberger et al. in view of Wiklof et al. disclose the RFID encoding/verifying apparatus as recited in rejected claim 3 stated above, further comprising:

a memory (ROM 14 and RAM 16 in Fig. 2 of Wiklof) coupled to said processor (CPU) storing data to be sent to said radio frequency driver (50); and

a non-volatile memory (the ROM 14 provides for non-volatile storage of an instruction set that can be sequentially executed by the CPU to control the overall operation of the smart label printer) coupled to said processor, said non-volatile memory storing program instructions for controlling said processor, said program instructions comprising the steps of reading said data from said memory; generating a writing signal for said radio frequency driver (50); and sending of a signal from said processor commanding the operation of said radio frequency driver to encode at least one RFID containing stock unit in response to said data (Wiklof; col. 4, ll. 1-35).

Re claim 5, Hohberger et al. in view of Wiklof et al. disclose the RFID encoding/verifying apparatus as recited in rejected claim 2 stated above, wherein one of said antennas broadcasts a carrier wave signal to energize one of said RFID containing stock and a second one of said antennas subsequently communicates with one of said RFID containing stock unit (claim 1 of Wiklof et al. disclose, among other things, a memory coupled to said processor storing data to be sent to said printing unit and said radio frequency driver; and, a non-volatile memory coupled to said processor storing program instructions for controlling said processor, said program instructions comprising the steps of reading said data from said memory; generating a writing signal for said radio frequency driver; and generating a printing signal for said printing unit, said

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processor commanding operation of said radio frequency driver to encode at least one smart label and said printing unit to print said smart label in response to said data; wherein a first one of said plurality of antennas broadcasts a carrier wave signal to energize one of said RFID tags and a second one of said plurality of antennas subsequently communicates with said one of said RFID tags.).

Re claim 6, Hohberger et al. in view of Wiklof et al. disclose the RFID encoding/verifying apparatus as recited in rejected claim 2 stated above wherein one of said antennas broadcasts a carrier wave signal to energize one of said RFID containing stock units and the same antennas subsequently communicates with one of said RFID containing stock units (claim 1 of Wiklof et al. disclose, among other things, a first one of said plurality of antennas broadcasts a carrier wave signal to energize one of said RFID tags and a second one of said plurality of antennas subsequently communicates with said one of said RFID tags.).

Re claims 7-9, Hohberger et al. in view of Wiklof et al. disclose the RFID encoding/verifying apparatus as recited in rejected claim 2 further comprising at least one barcode reader/OCR scanner positioned on said platform so as to read information from said RFID containing stock as it is advanced passed said barcode reader (Wiklof et al. disclose in the background of the invention that conventional label printers can print visible indicia such as bar code symbols, addresses, logos, etc. It is obvious to an artisan of ordinary skill in the art to include a barcode reader or an OCR scanner for the purpose of reading the barcode symbols, addresses, logos, etc.).

Re claim 10, Hohberger et al. in view of Wiklof et al. disclose the RFID encoding/verifying apparatus as recited in rejected claim 9 further comprising a marking

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unit (print head 42 in Wiklof or print head 18 in Hohberger) in communication with said processor whereby said marking unit marks said RFID containing stock when activated.

Method claims 25-29 are essentially the same in scope as apparatus claims 3-10 and are rejected similarly.

Allowable Subject Matter

4. Claims 35-54 are allowable.
5. Claims 11-18, 20-24, and 30-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: none of the cited prior arts, taken alone or in combination, discloses or fairly suggests the claimed RFID encoding/verifying apparatus comprising, among other things, a marking unit perforates designs in the RFID containing stock when activated and a feeder attached to an adjustable track so the feeder can be adjusted to accommodate RFID containing stock of various width.

Response to Arguments

6. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

The applicant merely cancelled claim 3 (previously rejected under 35 U.S.C. § 103 (a) and combined it with an independent claim 1 (previously rejected under 35 U.S.C. § 102 (e). Now claim 1 is rejected under 35 U.S.C. § 103 (a).

Furthermore, the applicant stated claim 1 has been rewritten to include a marking unit in communication with the processor and a feeder attached to an adjustable track.

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The examiner respectfully points out that amended claim 1 does not include such limitation. In addition, as stated above, the claim includes previously rejected limitations from a dependent claim incorporated to an independent claim. Thus, claims 1, 2, 4-10, 19, and 25-29 remain rejected under 35 U.S.C. § 103 (a).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Monday - Friday 5:30a-2:00p (Maxi-Flex*).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven S. Paik
Primary Examiner
Art Unit 2876

ssp